

City of Rialto

*Council Chambers
150 S. Palm Ave.
Rialto, CA 92376*



Regular Meeting

ACTION AGENDA

Tuesday, November 25, 2014

5:00 PM

**CITY COUNCIL, City of Rialto, acting as Successor Agency to the
Redevelopment Agency, RIALTO UTILITY AUTHORITY**

City Council

*Mayor Deborah Robertson
Mayor Pro Tem Edward Palmer
Council Member Joe Baca Jr.
Council Member Shawn O'Connell
Council Member Lynn Hirtz
Barbara A. McGee City Clerk
Edward Carrillo City Treasurer
Fred Galante City Attorney
Mike Story City Administrator*

Members of the public are afforded an opportunity to speak on any listed agenda item. Please notify the City Clerk if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto) at least 72 hours in advance of the meeting. All writings that relate to an agenda item for an open session of a regular meeting of the City Council distributed to all, or a majority, of the Council Members also shall be made available, at the same time but not sooner than 72 hours before a regular meeting, for public inspection in the Office of the City Clerk located at 290 West Rialto Avenue, Rialto, California (909-820-2519) from 7:00 a.m. to 6:00 p.m., Mondays through Thursdays, and on the City's website at www.rialto.ca.gov. Any person having a question concerning any agenda item may call the City Clerk's office to make inquiry concerning the nature of the item described on the agenda.

Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the City Council only if it is considered to be a "subsequent need" or "emergency" item and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7279. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CAR 35.102-35.104 ADA Title II).

Next Ordinance No. 1556

Next Resolution No. 6673

Called to Order By:

ROLL CALL

Rialto – Entering a Second Century of Progress

- *Rialto will be a Family First Community*
- *Rialto Shall Attract High-Quality Development and Improve its Physical Environment*
- *Rialto's Economic Environment will be Healthy and Diverse*
- *Rialto will be an Active Community*

All items listed on this agenda are being considered and/or acted upon by the City Council on behalf of the City of Rialto, except for such items as are designated by the "RUA," "RHA," which items are being considered and/or acted upon by the Members of the Rialto Utility Authority or Rialto Housing Authority of the City of Rialto in its separate legal capacity. For convenience and ease of administration only, the agendas for each separate legal body have been consolidated herein

5:00 p.m.

CLOSED SESSION

- 1 Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
 - (a) O'Neil Becnel v. City of Rialto
WCAB CR-12-005019 (CT) & CR-11-0000003
 - (b) City of Colton v. American Promotional Events, Inc, et al.
CD Cal Case No. ED CV 09-01864 PSG(SSx) and consolidated cases
 - (c) Maria Gallardo v.City of Rialto and Juan Carlos Virgen
SBSC Case No. CIVDS 1401412;consolidated with Sedgewick Claims Management Services, Inc for Kaiser Foundation Health Plan as Real Property In Interest v. City of Rialto and Juan Carlos Virgen, SBSC Case No. CIVDS1402626
- 2 Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Paragraph (2) of Subdivision (d) of Section 54956.9. Number of cases: One case.
- 3 **Subsequent Need Closed Session Item:**

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to add a subsequent need closed session item to the agenda.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
 - (a) Lozano v. City of Rialto
CD Cal Case No. EDCV 13-01636 GHK(SPX)
No reportable action for Closed Session.

6:00 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE - Council Member Shawn O'Connell

INVOCATION-Pastor Mario Canedo-Calvary Chapel Rialto

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

- 1 Certificate of Recognition-Eagle Scout Tyler James Herbert and Special Agent Trever Benson-Boy Scouts Project and Rialto Police Department K9's-Council Member Lynn Hirtz
- 2 Introduction of the 2nd Rialto Institute of Progress Class
City Administrator Mike Story

ORAL COMMUNICATIONS

City Council to consider removing or continuing any items on the agenda

NOTICE TO THE PUBLIC

All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion in the following form listed. There will be no separate discussion on these items. If discussion is required, the item will be removed from the Consent Calendar and will be considered separately. Vote may be by roll call.

CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES (ACTION)

1. Waive reading in full, all ordinances considered at this meeting.

B. APPROVAL OF WARRANT RESOLUTIONS

- B.1 Resolution No. 17 (10/31/14)
- B.2 Resolution No. 18 (11/07/14)
- B.3 Resolution No. 18A (11/07/14)
- B.4 Resolution No. 19 (11/14/14)
- B.5 Resolution No. 20 (11/21/14)

C. APPROVAL OF MINUTES

- C.1** Regular City Council Meeting - July 09, 2013
- C.2** Regular City Council Meeting - July 23, 2013
- C.3** Regular City Council Meeting - August 27, 2013
- C.4** Regular City Council Meeting - September 10, 2013
- C.5** Regular City Council Meeting - October 28, 2014

D. MISCELLANEOUS

- D.1** Request City Council to Approve the First Amendment to the Contract Services Agreement with Liquid Environmental Solutions Extending the Contract Term to June 30, 2015.
- D.2** Request City Council to Receive and File a status update on the Concession Agreement Water and Wastewater Capital Improvement Program.
- D.3** Request City Council to Approve a Purchase Order with G/M Business Interiors in the Amount of \$34,500.00 for the Purchase of Office Workstations for the Finance Building Remodel.
- D.4** Request City Council to Approve travel and training request for Mayor Deborah Robertson to attend the Conference of Mayors 83rd Winter Meeting.
- D.5** Request City Council to Receive and File the Statement of Income and Expenses related to the Airport Escrow Account for October 2014.
- D.6** Request City Council to Approve an Agreement with NetFile for an electronic filing and administration system for Statements of Economic Interest (SEI) Form 700 and Campaign Disclosure forms in an amount not to exceed \$36,000 and Adopt **Resolution No. 6662** amending the 2014/2015 fiscal year budget.
- D.7** Request City Council to Adopt **Resolution No. 6663** amending the City of Rialto's Conflict of Interest Code.
- D.8** Request City Council to Adopt on Second Reading **ORDINANCE NO. 1552** "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, TO APPROVE AMENDMENT NO. 1 TO THE RENAISSANCE SPECIFIC PLAN TO VACATE A 1,330 LINEAR FOOT SEGMENT OF WALNUT STREET BETWEEN LAUREL AVENUE AND LOCUST AVENUE AND AMEND THE VEHICULAR CIRCULATION PLAN MAP OF THE RENAISSANCE SPECIFIC PLAN."

- D.9** Request City Council to Authorize the Issuance of a Purchase Order for Maintenance Services for the Park Camera Surveillance System at the Annual Amount of \$28,800.00 for Three Years to Veterans Communication Services Inc.

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve the Consent Calendar except for item B.3. Council Member Hirtz abstained from item B.3 only.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

ABSTAIN: Council Member Hirtz (B.3 only)

TAB PUBLIC HEARING

- TAB1** Request City Council to Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2014; and Request City Council to Adopt **Resolution No. 6664** Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Auditor Controller-Recorder.

(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 1.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

- TAB2** Request City Council to Conduct a Public Hearing and Adopt **Resolution No. 6665** Vacating its Access Rights along S. Riverside Avenue adjacent to the property located at 3700 S. Riverside Ave.
- (ACTION)**

Motion by Council Member Baca Jr., second by Mayor Pro Tem Palmer and carried by unanimous vote to approve Tab 2.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB3

Request City Council to Conduct a Public Hearing and Consider the Adoption of **Resolution No. 6666** Amending the City's Water Service Rules and Regulations related to Service Connection Fees for Single Family Homes and establishing a new 1" Fire Line Service Connection Fee.

(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 3.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB4

Request City Council to Conduct a Public Hearing for the Consideration of Proposed **Ordinance No. 1553** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA AMENDING SECTION 18.60.50 (NONCONFORMING USES) OF THE RIALTO MUNICIPAL CODE TO REDUCE THE DISCONTINUANCE TIME LIMIT OF NON-CONFORMING USES FROM ONE (1) YEAR TO ONE HUNDRED EIGHTY (180) DAYS AND AMENDING SECTIONS 18.66.030(Q) THROUGH 18.66.030(Z) (PERMITTED USES) OF THE RIALTO MUNICIPAL CODE TO ESTABLISH A THREE-QUARTER (0.75) MILE SEPERATION REQUIREMENT BETWEEN SIMILAR NUISANCE USES AND TO ESTABLISH CRITERIA FOR MEASURING SEPARATION DISTANCES FOR ALL USES LISTED IN CHAPTER 18.66 OF THE RIALTO MUNICIPAL CODE; Reading Ordinance by title only and waiving further reading thereof.

(ACTION)

This item was tabled.

TAB NEW BUSINESS**TAB5**

Request City Council to Accept California Citizens Option for Public Safety (COPS) Allocation of 2014/2015 Funding and Adopt Budget **Resolution No. 6667** Appropriating Funds in the Amount of \$160,177.
(ACTION)

Motion by Council Member Baca Jr., second by Mayor Pro Tem Palmer and carried by unanimous vote to approve Tab 5.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB6

Request City Council to Authorize the Acceptance of a Department of Justice, 2014 Community Oriented Policing Hiring Program Grant Award and Adopt **Resolution No. 6668** to Appropriate Funding in the Amount of \$250,000.
(ACTION)

Motion by Council Member Baca Jr., second by Mayor Pro Tem Palmer and carried by unanimous vote to approve Tab 6.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB7

Request City Council to Introduce and Pass to Second Reading the Proposed **Ordinance No. 1554** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 5.28 OF THE RIALTO MUNICIPAL CODE REGARDING CANVASSING, PEDDLING, AND SOLICITING; Reading the Ordinance by Title Only and Waiving Further Reading Thereof.
(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr. and carried by unanimous vote to approve Tab 7 as amended to reflect the hours of operation to be 8:00 pm to 9:00 am.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

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- TAB8** Request City Council to Introduce and Pass to Second Reading the Proposed **Ordinance No. 1555** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTIONS 6.05.010, 6.05.20, AND 6.05.080 OF THE RIALTO MUNICIPAL CODE REGARDING POTENTIALLY DANGEROUS AND VICIOUS DOGS; Reading the Ordinance by Title Only and Waiving Further Reading Thereof.
(ACTION)
- Motion by Council Member O'Connell, second by Mayor Pro Tem Palmer and carried by unanimous vote to approve Tab 8.**
- AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz**
- NOES: None**
- ABSENT: None**
- TAB9** Request City Council to Adopt Budget **Resolution No. 6669**, Amending the 2014-2015 fiscal year budget and Approve the Third Amendment to a Professional Services Agreement with Willdan Engineering, Inc. for Building Division services during FY15 and Increase Contract Amount by \$39,000 to \$748,330.
(ACTION)
- Motion by Council Member Baca Jr., second by Mayor Pro Tem Palmer and carried by unanimous vote to approve Tab 9 as amended to reduce the term of agreement to three months and reduce the increased amount to \$19,500.**
- AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz**
- NOES: None**
- ABSENT: None**
- TAB10** Request City Council to Adopt Budget **Resolution No. 6670**, Amending the Fiscal Year 2014-2015 Budget to Carry Forward Local Measure I Budget of \$2,727,010 from Fiscal Year 2013-2014.
(ACTION)
- Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 10.**
- AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz**
- NOES: None**
- ABSENT: None**

TAB11

Request the City Council/Rialto Utility Authority to Approve a Final Construction Work Authorization in the amount of \$243,354 to Rialto Water Services for the Water Facility Improvement Project W7 - Water Main and Valve Replacement on W. Baseline Road.

(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 11.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB12

Request City Council to dismiss the bid protest from DG Builders; Request City Council to determine bids submitted by DG Builders, Anderson Air Conditioning, Airite Hearing & Air Conditioning, and Liberty Climate Control as non-responsive; Request City Council to Adopt **Budget Resolution No. 6671** Amending the 2014-2015 Fiscal Budget Appropriating \$54,285 from the Building Maintenance Fund (770) for the Johnson Center Gym HVAC Replacement Project, City Project No. 150204; and Request City Council to award a construction contract to Marine Air, Inc., a California corporation, in the amount of \$153,014.13 for the Johnson Center Gym HVAC Replacement Project, City Project No. 150204.

(ACTION)

Motion by Council Member Baca Jr., second by Mayor Pro Tem Palmer, and carried by unanimous vote to approve Tab 12.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

TAB13

Request City Council to Adopt **Budget Resolution No. 6672**, finding the use of the Drainage Development Fund (230) to be appropriate and amending the 2014-2015 fiscal budget appropriating \$308,950 from the Drainage Development Fund (230) for the Cedar Avenue Storm Drain Improvement Project, City Project No. 120801; and request City Council to approve the construction plans and contract specifications and to authorize the release of Request for Bids No. 15-038 for the Cedar Avenue Storm Drain Improvement Project, City Project No. 120801.

(ACTION)

Motion by Mayor Pro Tem Palmer, second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 13.

AYES: Mayor Robertson, Mayor Pro Tem Palmer, Council Members: Baca Jr., O'Connell, Hirtz

NOES: None

ABSENT: None

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY ADMINISTRATOR:

ADJOURNMENT